Poland: membership application and partnership, 8 April 1994

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The Commission has prepared this fourth series of Regular Reports with the view to the Laeken European Council in December 2001. The structure followed for this Report is the same as that used for the 2000 Regular Report. The Report takes into consideration progress since the 2000 Regular Report. It looks at whether intended reforms referred to in the 2000 Report have been carried out, and examines new initiatives. The Report contains a separate section examining the extent to which Poland has addressed the Accession Partnership priorities. With regard to the pre-accession instruments (Phare, SAPARD and ISPA), for the years 2000-2002, the total financial assistance to Poland amounts annually to EUR 398 million from Phare, EUR 186.6 million from SAPRD, and between EUR 312 an EUR 385 million from ISPA. As far as the main Copenhagen criteria for membership are concerned, an overall evaluation presents sector by sector account of the progress Poland has made in the accession negotiations: 1) Political Criteria : Poland continues to fulfil the Copenhagen political criteria. In the area of public administration progress in the implementation of the 1999 Civil Service Law continues. Further efforts are requried to speed up the pace of implementation and ensure that an independent, well trained and motivated civil service is in place by the time of accession. Poland has continued to make good progress in reforming the judiciary and in reducing the most pressing bottlenecks. The pace of reform needs to be accelerated and issues relating to judicial immunity further addressed. Additional steps have been taken, in the fight against corruption, which remains a source of serious concern. There has been some progress in establishing the legal framework for equal opportunities and further work needs to be undertaken in this regard. A new element which has come to light, and needs to be addressed, has been the abuse of custody, which has been reported in certain cases. The reinforcement of administrative and judicial capacity, improving the operation of the judiciary and its training in EC law were Association Partnership priorities. Work is underway but further efforts are needed. 2) Economic Criteria : Poland is a functioning market economy. Provided that it continues and intensifies its present reform efforts in a consistent policy environment, it should be able to cope with the competitive pressure and market forces within the Union, in the near term. In the first part of the reporting period, it maintained adequate macroeconomic stability and its growth performance was again sold, before growth experiences a significant slowdown starting in the second half of last year. Privatisation continued and there has been further restructuring in sensitive sectors such as the coal and power industries. The legal framework for business has been strengthened with the adoption of the new bankruptcy law and the new Commercial Code. 3) Legislative alignment with the acquis : the reporting period has seen intensive work on the adoption of legislation. In some areas there ahs been notable breakthroughs with regard to the adoption of primary legislation. In others, there has been a steady consolidation of the achievements of 2000 through the adoption of secondary legislation on the basis of framework laws adopted the previous years. - with regard to the internal market, efforts in a number of areas have, following the earlier adoption of the framework legislation, focused on the secondary legislation necessary to implement the acquis in these areas, in particular standards and certification and state aid. Both of these are areas in which Poland's existing obligations necessitate implementation prior to the date of accession, and where there has been limited progress. With regard to competition, the capacity exists but the implementation has been limited. There has been progress in the elements of food safety which relate to the internal market through the adoption of the developing the administrative capacity. The industrial property law has been adopted although short term difficulties remain with regard to data exclusivity arising out of the new pharmaceuticals law. While there has been some improvement in the administrative structures, efforts need to be intensified with an emphasis on enforcement. Poland's track record in the free movement of services and capital continues to be good and further work has been undertaken to strengthen the administrative capacity in these domains. There has been limited progress in further aligning rates of indirect taxation and further work is required to ensure that the systems are in place to allow for the exchange of computerised data between the EC and Poland; -

in the agriculture sector, a coherent strategy for the sector is still lacking. The substantial transformation which is needed, in terms of policy, legislation and structures has not yet taken place in either the agriculture or fisheries sectors. In both sectors there has been some progress with regard to primary legislation for agriculture. The administrative capacity remains extremely weak for fisheries and weaknesses have become apparent in agriculture in particular with regard to the Integrated Administration and Control Systems (IACS) and border inspection, both in the veterinary and phyto-sanitary fields. - environment sector : significant progress has been made in terms of primary legislation. - the energy and in particular the transport sectors have seen some progress. - justice and home affairs. Efforts have been made to improve the situation with regard to the law enforcement bodies dealing with the fight against organised crime, in particular the police services. These need to be intensified. Further efforts are required in the customs area to align with the the acquis and to ensure the establishment of an effective implementation capacity. 4) Adminsitrative Capacity : the disparity between progress in the adoption of legislation and the reinforcement of administrative capacity is reflected in the extent to which the short-term priorities of the accession partnership have been addressed. There has been further progress in meeting the acquis based elements. Continued efforts are needed to set up or strengthen administrative capacites across the board notably on certification, agriculture, fisheries and regional policy, the social field, customs and justice and home affairs. 5) Accession Partnership : Poland has started to make progress in meeting all medium-term priorities. Progress has been varied, with the most obvious developments relating to the legislative elements of the priorities. This will provide the basis for the development of the necessary administrative capacity to ensure implementation. Efforts commenced in this regard will need to beintensified.